

**Remark*****Knee in view of Herz***

The Examiner has rejected claims 1-18, 34, 36 and 46-55 under 35 U.S.C. § 103(a) as being unpatentable over Knee, U.S. Patent No. 5,589,892 in view of Herz et al., U.S. Patent No. 5,758,257 ("Herz"). The Examiner has deemed Applicants prior remarks to be unpersuasive. Applicant will attempt to express the essence of the distinctions in clearer terms, using Claim 1 as an example.

-) searching a set of user-definable preferences lists...

This is not shown in either reference. The Examiner refers to the setting of moods in Herz. A mood does not "identify a plurality of different channels of entertainment programming..." and there is no suggestion of searching through moods in Herz.

-) displaying a list of the identified preferences lists...

This is not shown in either reference. Herz at 45:56 - 46:18 refers to selecting moods and customer profiles but there is no description of how that might be done. It may be done without showing a list and it does not involve preferences lists as defined in the claims.

-) receiving a selection of a displayed identified preferences list...

This is not shown in either reference.

Absent a showing of these elements in the claims, the rejection is believed to be traversed.

**Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Respectfully submitted,

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